



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

April 22, 1991  
AO-91-02

Melvin Schweitzer, Esq.  
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Two Hundred Park Avenue  
New York, N.Y. 10166

Dear Mr. Schweitzer:

This letter is in response to your letter dated December 5, 1990, requesting an advisory opinion.

You have asked if a corporate employee may solicit contributions from his corporate colleagues, receive the checks which each contributor has made payable directly to the campaign committee of the candidate and then forward the checks as a group to the campaign committee, a practice commonly referred to as "bundling."

For the reasons set forth below, Massachusetts law does not prohibit "bundling" provided certain requirements are met.

M.G.L. c.55, s.8 provides, in pertinent part, that:

[N]o business corporation incorporated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any business in the commonwealth and no officer or agent acting in behalf of any business corporation . . . shall directly or indirectly give, pay, expend or contribute, or promise to give, pay expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party.

In interpreting this statutory provision the Attorney General concluded unequivocally that the "statutes do not restrict the right of corporate employees to endorse political

candidates, to solicit political contributions, or to join political committees." Op. Atty. Gen., Nov. 6, 1980, p. 119. This conclusion applies to corporate officers, including the corporation's chief executive officer, as well as to corporate employees. Please note that the Attorney General also concluded that M.G.L. c.55, s.8 does not provide corporate officers or employees any "insulation from solicitations by their peers" as does federal law. I have enclosed a copy of the Attorney General's opinion for your information.

Neither the provisions of M.G.L. c.55 nor the regulations governing campaign finance promulgated by this Office prohibit the practice of "bundling". However, there are certain requirements common to all solicitation that do apply with equal force to "bundling". Specifically, section 10 provides that no "person shall . . . make a campaign contribution in any name except his own." This is the so-called "true name" section of chapter 55 and is a corner stone of Massachusetts' campaign finance laws. Therefore, not only must all checks be payable to the campaign, each check must properly identify the person actually making the contribution. I draw your attention to the regulations regarding contributions set forth at 970 C.M.R. 1.04. These regulations provide, inter alia, that "[a]nonymous contributions may not be accepted." These regulations also set forth certain rules and presumptions regarding checks drawn on joint and partnership accounts and the like. I have enclosed a copy of the regulations for your information.

Other relevant requirements are set forth M.G.L. c.55, ss.19 and 23. Section 23 provides, in relevant part:

Whoever, acting under the authority or in behalf of a political committee receives any money or its equivalent . . . shall, on demand, and in any event within three business days after such receipt . . . give to the treasurer a detailed account of the same . . . (emphasis added)

While it is not strictly required by law or regulation, this Office advises anyone authorized to solicit monies on behalf of a political committee or candidate to obtain written authorization from the candidate or committee being represented in order to provide protection for both the individual and the candidate.

Finally, section 19, which applies only to statewide and county candidates and political committees, provides, in pertinent part, as follows:

Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the seventh day after receipt of any contribution deposit it in the form received in the designated depository.

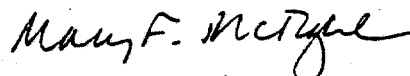
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In conclusion, individual corporate employees or officers may solicit campaign contributions in the manner described above from fellow employees and officers if properly authorized by the candidate or political committee provided that the employee and the political committee comply with the other requirements of M.G.L. c.55 as interpreted by the Attorney General and the regulations promulgated by this Office.

This opinion is based solely on the representations made in your letter and has been rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this Office should you have additional questions.

Very truly yours,



Mary F. McTigue  
Director